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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

YOANNIA COLAS-RODRIGUEZ, an individual;
YUNAISSY TORRES GARBEY; an individual;
YANISLEY JIMENEZ-SANDERSON,

Plaintiffs,

v.

LYFT, INC., a foreign corporation; DOES I through
X; and ROE Corporations I through X, inclusive,

Defendants.

Case No.

**DEFENDANT LYFT, INC.'S PETITION
FOR REMOVAL**

TO THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEVADA:

PLEASE TAKE NOTICE, Defendant, LYFT, INC. (hereinafter "LYFT"), by and through its attorney of record, Dana Jonathon Nitz, Esq. and Erich N. Storm, Esq. of Selman Breitman LLP, hereby submit this Notice of Removal to the United States District Court for the District of Nevada.

PLEASE TAKE NOTICE that DEFENDANT LYFT hereby removes the state action entitled "YOANNIA COLAS-RODRIGUEZ, an individual; YUNAISSY TORRES GARBEY; an individual; YANISLEY JIMENEZ-SANDERSON v. LYFT, INC., a foreign corporation; DOES I through X; and ROE Corporations I through X, inclusive," Case No. A-21-828618-C, filed in the Eighth Judicial Court for the State of Nevada in and for the County of Clark to this Court. The grounds for removal are as follows:

1 1. Removal is appropriate pursuant to 28 U.S.C. Section 1441(b) because there is
2 diversity of citizenship sufficient to justify removal in that Plaintiffs YOANNIA COLAS-
3 RODRIGUEZ, YUNAISSY TORRES GARBEY and YANISLEY JIMENEZ-SANDERSON are
4 citizens of the State of Nevada; Defendant LYFT is a citizen of the State of Delaware as it is
5 incorporated in Delaware.

6 2. Service of Summons and Complaint upon Defendant was made through C T
7 Corporation System on April 5, 2021.

8 3. No further proceedings have been had in this matter in the Eighth Judicial District
9 Court, Clark County, State of Nevada.

10 4. Pursuant to 28 U.S.C Section 1446(b), Defendant LYFT provide this Court with
11 copies of the following documents:

12 a. Civil Complaint attached hereto as Exhibit A.

13 b. C T Corporation System's Service of Process Transmittal dated April 5, 2021
14 attached hereto as Exhibit B.

15 c. Plaintiffs' itemization of special damages contained in Plaintiffs' Request For
16 Exemption From Arbitration in case no. A-20-822496-C now pending in the Eighth Judicial District
17 Court, Clark County, Nevada, and attached hereto as Exhibit C.

18 5. This action involves the personal injury claims of three Plaintiffs for damages arising
19 from injuries allegedly sustained in a single automobile accident. Defendant Lyft, Inc., a
20 transportation network company, is the only named Defendant. Each Plaintiff alleges that she was
21 a passenger with the other Plaintiffs in a vehicle that a non-party operated on behalf of Lyft, Inc.
22 Each Plaintiff alleges common facts and causes of action against Lyft, Inc., chiefly, that Lyft, Inc.,
23 negligently hired, trained, and supervised its alleged employee/agent, the non-party driver; and that
24 Lyft, Inc., is vicariously liable for the negligence of its alleged employee/agent, the non-party driver.

25 In a separate action that the same Plaintiffs brought against the allegedly negligent driver in
26 the Eighth Judicial District Court, Clark County, Nevada, case no. A-20-822496-C, Plaintiff Colas-
27 Rodriguez alleges past and future medical expenses of \$800,897.20; Plaintiff Torres-Garbey alleges
28 past medical expenses \$53,719.84; and Plaintiff Jiminez-Sanderson alleges past medical expenses

1 of \$4,765.00. Plaintiff Colas-Rodriguez allegedly underwent surgery at the L5-S1 spinal level and
 2 Plaintiff Torres-Garbey allegedly underwent spinal injections.

3 Each plaintiff prays for relief in the form of the aforesaid special damages, general damages
 4 for pain and suffering, punitive damages, and attorney fees.

5 Lyft, Inc., submits that the amount in controversy respecting the claim of Plaintiff Colas-
 6 Rodriguez exceeds the jurisdictional threshold of \$75,000.00.

7 Lyft, Inc., submits that the amount in controversy respecting the claim of Plaintiff Torres-
 8 Garbey exceeds the jurisdictional threshold of \$75,000.00.

9 Pursuant to *Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 162 L.Ed.2d 502,
 10 125 S.Ct. 2611 (2005), Lyft, Inc., submits that this Court may assume pendent/supplemental
 11 jurisdiction over the claim of Plaintiff Jiminez-Sanderson.

12 6. This Court has original jurisdiction over the subject matter of this action under the
 13 provisions of Section 1332 of Title 28 of the United State Code in that there is complete diversity
 14 between the parties and more than \$75,000 in controversy inclusive of interest and costs. Pursuant
 15 to Section 1441 of Title 28 of the United States Code, Defendant LYFT is therefore entitled to
 16 remove this action to this Court.

17 7. Thirty days have not elapsed since service of Plaintiffs' Summons and Complaint.

18 8. A true and correct copy of this Notice of Removal is being filed this date with the
 19 Clerk of the Eighth Judicial District Court, Clark County, State of
 20 Nevada.

21 DATED: April 16, 2021

SELMAN BREITMAN LLP

22 By: /s/ Erich N. Storm
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CERTIFICATE OF SERVICE

In accordance with Rule 5(b) of the Federal Rules of Civil Procedure, I hereby certify that on this 16th day of April 2021, a copy of **DEFENDANT LYFT, INC.'S PETITION FOR REMOVAL** was served on all CM/ECF registered parties by filing and serving the same using the CM/ECF filing system.

/s/ Bonnie Kerkhoff Juarez
BONNIE KERKHOFF JUAREZ
An Employee of Selman Breitman LLP

Selman Breitman LLP
ATTORNEYS AT LAW